

The Georgia Board of Nursing met June 27, 2016 via telephone conference from the Professional Licensing Boards Division of the Georgia Secretary of State, located at 237 Coliseum Drive, Macon, Georgia 31217.

MONDAY, JUNE 27, 2016

MEMBERS PRESENT

Brenda Rowe, RN, MN, JD, President
Kellie R. Lockwood, RN, MSN, Vice President
Amy Hooper, LPN
Dellarie Shilling, RN, MSN, FNP-B
Blair Train, Consumer Member
Fredettina (Tina) Fletcher, LPN
Janice Izlar, RN, CRNA, DNAP
Julia Worthy, RN, MSN
Tracey Blalock, RN, MSN, MBA, NEA-BC
Nancy Barton, RN, MSN
Merry Fort, RN
Andrea Phipps, LPN

MEMBERS ABSENT

Linda Floyd, RN, EdD, PMHNP-BC

STAFF PRESENT

Jim Cleghorn, Executive Director
Kirsten Daughdril, JD, Assistant Attorney General
Janet Freeman, RN, BSN, Nursing Consultant - Legal/Discipline

VISITORS PRESENT

Lisa Durden, Director, Professional Licensing Boards Division
Candice Broce, Press Secretary, Secretary of State's Office
Josh Waters, Operations and Compliance Manager, Professional Licensing Boards Division
Andrew Turnage, Executive Director, Trades 2, Professional Licensing Boards Division
Chris Joyner, Atlanta Journal Constitution
Pat Horton, Georgia Hospital Association

Rowe called the meeting to order at 4:03 p.m. on Monday, June 27, 2016.

DISCUSSION OF PERSONNEL CHANGES

Rowe introduced Lisa Durden, Director, Professional Licensing Boards Division. Durden thanked the Board for its time and provided information regarding the upcoming change of executive director. She thanked Cleghorn for his work and noted that he had helped the Board improve processing times and implement mandatory reporting requirements. Durden explained that this was a cross training opportunity and that the agency had previously done cross training in other health care and trade sections. She noted that the purpose of the cross training was to ensure adequate coverage for agency business in case of an employee's resignation, extended leave or other unforeseen circumstance.

Durden introduced Andrew Turnage, Executive Director, Trades 2, Professional Licensing Boards Division. She provided information regarding his tenure at the agency and explained that he began as Intake Director in 2014 and made numerous process improvements that reduced processing time from ten (10) to twenty (20) days to one (1) to two (2) days. He was promoted to executive director, Trades 2 in 2015 and has worked to improve efficiencies and make changes to the newly combined Georgia State Board of Cosmetology and Barbers.

Turnage thanked Durden and the Board and stated that he looked forward to working with each of the members. He noted that he met many of the board members when they toured the Intake section several years ago. Turnage explained that he worked for eleven (11) years at the University of Georgia, brought good opportunities and experience to the position and looked forward to being a part of the Georgia Board of Nursing.

Rowe thanked Turnage for the information and opened the floor to board members for questions.

Lockwood noted that the Board had questions regarding the implementation of a leadership change while the Nursing Education Consultant position was vacant. Durden responded that the change had been planned for a little while. She explained that the Nursing Education Consultant position was posted as soon as Dr. Garland's resignation was received. Durden stated that Dr. Garland would remain on staff for a few days and that the agency had already begun receiving applications for the Nursing Education Consultant position.

Shilling questioned whether or not the Secretary of State's Office considered O.C.G.A. §43-26-5(a)(17) when making the staff changes. Durden states that she was not aware of that provision. Shilling read the code section which states the following:

§ 43-26-5. General powers and responsibilities of board

(a) The board shall:

(17) Approve the selection of a qualified person to serve as executive director;

Durden explained that there were concerns regarding Cleghorn's appointment as executive director in 2010 and believes that this change will provide an opportunity for a new executive director with new ideas that may not have been previously considered.

Broce responded that the agency was aware of the legal requirements set out for all boards. She explained that, although there were initial reservations, the process has worked in the past and doesn't see any reason why it cannot be continued for today's meeting.

Rowe asked if Turnage had any health care or nursing education experience. Turnage replied that he did not but that in his work at the University of Georgia he worked with certification programs that included nurses and public health nurses. He explained that he had worked with the Georgia Nurses Association and the American Nurses Credentialing Center to have certification codes assigned so that nurses could get credit for training. Turnage also explained that he was a certified first responder and served as a volunteer fireman for a number of years.

Rowe thanked Turnage for the information and provided information regarding her June 24, 2016 phone call with Broce in response to Senator Underman's meeting with Broce. Rowe provided a brief overview of the events that had occurred since the Board's receipt of Secretary Kemp's June 17 correspondence notifying the Board of the upcoming personnel change. Rowe explained that the rationale for the change was for cross training purposes. Rowe noted that the staffing change was made unilaterally and the Board was given less than ten (10) business days notice. She discussed the previous difficulties experienced when attempting to fill the Nursing Education Consultant vacancy. Rowe explained that, as a nurse educator, she understood that the ability to analyze and direct nursing education programs was a highly specialized area. She noted that the Board had worked diligently to improve processes in all areas of nursing regulation. Rowe discussed that the Board of Nursing was the largest regulatory board in the Professional Licensing Boards Division and noted the complexity of nursing regulation. She expressed concern that Dr. Garland would only be available for four business days prior to the effective date of her resignation.

Durden stated that the Board had previously expressed concerns regarding Cleghorn's experience and noted that Turnage would grow and learn in the position. Rowe responded that Cleghorn had the opportunity to gain information and experience from a Nursing Education Consultant with over thirty (30) years experience.

Durden referenced O.C.G.A. §43-1-2(c) and (e) which state the following:

(c) The Secretary of State, notwithstanding any other provisions of law to the contrary, shall employ personnel as deemed necessary to carry out this chapter and to provide for all services required by each of the professional licensing boards and shall establish within the guidelines provided by the laws and rules and regulations of the State Personnel Board the qualifications of such personnel.

(e) The Secretary of State, notwithstanding any other provisions of law to the contrary, shall have the power to employ and shall set the qualifications and salary for a deputy division director and shall appoint executive directors as required who shall act in the absence of the division director and who shall perform such other functions of the division director under this chapter as the division director may designate. The deputy division director and executive directors as appointed shall be in the unclassified service and shall be excluded from the classified service as defined in Article 1 of Chapter 20 of Title 45.

Rowe thanked Durden for the information and invited Broce to share her perspective of her meeting with Senator Unterman and her June 24, 2016 phone call with Rowe. Broce explained that Durden had covered the agency's perspective regarding the impetus for the personnel change. She noted that the agency could not have the largest licensing body with only one individual possessing the institutional knowledge to carry out the duties. Broce stated that Turnage had done a great job in other parts of the agency and noted that Cleghorn, Durden and board members would be a great resource for Turnage.

Lockwood inquired about the definition of "cross training." Broce referenced the examples that Rowe had previously provided and stated that if Cleghorn had resigned or taken an extended amount of time off the agency would need to have others trained to step into the role. Durden reassured the Board that Cleghorn would still be with the agency and stated that there would be a lot of exchange between Turnage and Cleghorn.

Shilling noted the improvements that had been made with the Board of Nursing and stated that she believed that the personnel change was not appropriate based on what is occurring at this time. Durden replied that Cleghorn had prepared documented processes for application and complaint processing to ensure a continuum of service and that the agency wanted to allow Turnage to start his tenure at the beginning of the fiscal year.

Rowe questioned if consideration had been given to provide cross training opportunities in designated times every two weeks. Durden stated that the agency did not have time for that type of exercise and had previously assigned the executive director to a section to allow the individual to learn with the assigned boards and staff.

Broce reiterated that the transfer was not a hard cutoff and that it would be a partnership with collaboration between Cleghorn and Turnage. She explained that she believed the Board would see exactly what Rowe had proposed.

Shilling discussed the increasing workload of the Board. She referenced the FY2015 Annual Report, discussed the significant increase in complaints and expressed concern that patients would be placed at risk by delays in processing.

Rowe thanked board members for their comments and expressed appreciation to agency staff for hearing the concerns. She provided an overview of the impact of the Nursing Education Consultant vacancy noting the required review of the annual reports; upcoming site visits; review of programs with developmental, initial and conditional approval; review of NCLEX reports; work of the Nursing Education Committee; and, anticipated posting of rule updates regarding registered and practical nursing education programs.

Durden stated that the personnel change was not a proposal and that it was a directive from Secretary Kemp in the best interest of the agency. She noted that the agency would be depending on nursing education experts from the Board to assist with the upcoming education work.

Rowe recapped the statutory requirements for the Board to approve the selection of a qualified executive director as stated in O.C.G.A. §43-26-5(17). She noted that while Durden had explained that appointing an executive director is the responsibility of the agency as provided in O.C.G.A. §43-26-2(c) and (e), the Board clearly has the responsibility to approve the selection of the executive director and was not involved in the discussion or selection process.

Barton stated that the Board's concerns had nothing to do with Turnage. She noted that the Board heard clearly that the decision to appoint an executive director was the agency's responsibility but expressed that it would have been nice to have the opportunity to have a collaborative discussion with the Secretary of State to develop a plan of transition. Barton provided information regarding the complexities faced by a health care regulatory board. She explained that the Board had been moving forward with innovations, improving processes and increasing efficiencies. Barton noted the Board's appreciation to the agency for its efforts with the improvements. She clarified that, in the nursing profession, cross training was defined as having an employee spend time in another area while still maintaining their original role and area of expertise.

Lockwood expressed agreement with Barton and noted that she believed in cross training. She explained that scheduling a time for cross training would have been a much better option.

Lockwood moved that the Board not approve Andrew Turnage as executive director as provided by O.C.G.A. §43-26-5(17). Hooper seconded the motion. Prior to the Board vote, Broce asked for Daughdril's input regarding the statutory authority. Daughdril stated that the provision was unique and clearly stated in the Board's statute. Broce questioned how it was interpreted in light of O.C.G.A. §43-1-2(c) and (e). Daughdril explained that the two code sections were not mutually exclusive and that the law clearly anticipated a more collaborative approach to the process.

Rowe noted that a motion had been made and seconded and called for a vote. The motion carried unanimously.

Rowe opened the floor for discussion regarding the Board's formal position on the personnel change and questioned if the Board wished to take any action regarding notifying stakeholders as to what had occurred. She referenced the recent emails she had received from educators and stakeholders and noted that the common theme of the correspondence was support for an exemplary executive director. Rowe expressed frustration regarding the fact that Cleghorn would have to resign from his position with the National Council of State Boards of Nursing.

Shilling stated that, as a board member, she swore an oath to protect the public. She explained that she felt that the public would be threatened by the personnel change and stated that the Board should communicate with stakeholders regarding the personnel changes and the resulting impact to board operations.


Barton stated that she agreed with Shilling. She noted that the Board was at a point in its work that making a change at the executive director level would negatively impact the Board's ability to carry out its statutory mission to protect the public. Board members discussed information to be included in the notification and Worthy sought clarification regarding what stakeholders would be included and the timeline for notification. Board members discussed the need for rapid notification without waiting for the July 20-22 board meeting.

Worthy and Barton questioned if the agency had a desire for further conversation before the Board notified its stakeholders. Rowe explained that she would draft a letter to Secretary Kemp informing him of the Board's vote and providing an opportunity for a meeting. Durden reiterated that the plan was a directive from Secretary Kemp, the decision had been made and would be followed.


Izlar moved to notify stakeholders of the Board's motion to not approve Andrew Turnage as executive director as provided by O.C.G.A. §43-26-5(17) with the rationale that the change would adversely impact the Board's ability to carry out its statutory mission; and, to provide a summary of the events that had occurred regarding the personnel change. Train seconded the motion and it carried unanimously.

Rowe questioned if there was any other business and thanked members for their time.

The meeting adjourned at 5:15 p.m.



Brenda Rowe, RN, MN, JD, **President**



James D. Cleghorn, **Executive Director**